

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, April 2, 2012 at 6:00
P.M.**

Council President Arthur S. Weber, Jr., Presiding

Vice President Bruce J. Long, arrives at 6:03 pm

Councillor Richard Cambra

Councillor Christopher T. Semonelli

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

Councillor Edward J. Silveira, Jr., Absent

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

There were no reconsiderations

BUDGET

- 1. Receipt of Town of Middletown proposed budgets and Capital Improvement Plan, Fiscal Year 2012-2013.**

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive the proposed budgets and Capital Improvement Plan for Fiscal Year 2012-2013.

- 2. Review of FY 2012–2013 Proposed Budgets – General Fund Revenues, Debt Service, Non-department Specific, Support Services and matters related thereto**

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to begin the Review of FY 2012-2013 Proposed Budgets

- General Fund Revenues, Debt Service, Non-department Specific and Support Services.

Also present were Town Administrator Shawn Brown, Finance Director Lynne Dible, Deputy Finance Director Marc Tanguay, Town Solicitor Michael Miller and Deputy Town Clerk Karin Clancey.

Town Administrator Shawn Brown reviewed the FY 2012-2013 Proposed General Fund Revenues, entered here:

Mr. Brown noted that there is no increase in the overall budget revenues. The proposed tax levy increase is 3%.

Town Administrator Shawn Brown reviewed the Proposed FY 2012-2013 Debt Service, entered here:

Mr. Brown noted that a discussion will take place concerning renovations to the Fire Station, which will include a bond referendum to be placed on the November ballot for the balance of the renovations. Town Administrator Shawn Brown explained that the Town must look at pay as you go financing and not a lot of borrowing.

Town Administrator Shawn Brown reviewed the Proposed FY 2012-2013 General Government Non-Specific area within the proposed budget, entered here:

Finance Director Lynne Dible discussed the Town Pension Plan and presented the Council with a Pension Plan experience study, which is on file in the office of the Town Clerk. Ms. Dible noted the study shows no recommendations for changes until later years. The overall results of the study are positive.

Town Administrator Shawn Brown, due to time constraints, requested that discussion of Support Services be continued to the April 30, 2012 budget meeting.

Paul Mankofsky, 20 Pequot Lane, addressed the Council noting that during the proposed budget discussion there was no decrease in the size of government. Mr. Mankofsky explained that everyone is struggling with increasing fees and requests the Council to keep the Town a stable place to live.

PUBLIC FORUM SESSION

3. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

Manuel Mello, 3 Beacon Terrace North, addressed the Council noting concern of the revenue loss from the removal of the billboards.

CONSENT

4. Approval of Minutes – Regular Meeting, March 19, 2012.

On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.

5. Communication of Susan S. Erstling, Ph.D., LICSW, Board Chair, Lucy's Hearth, re: Appreciation for Civic Support and status report.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

6. Communication of Kevin Flynn, Associate Director, Department of Administration, Division of Planning, with enclosures, re:

Transportation Improvement Program (TIP) FFY 2013-2016.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

7. Communication of Alicia M. Good, P.E., Assistant Director, Office of Water Resources, RIDEM, with enclosure, re: 2012 Clean Watersheds Needs Survey.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

8. Continued from Regular Meeting, March 19, 2012

Continued from Regular Meeting, March 5, 2012

Memorandum of Town Administrator, with enclosures, re: Second Beach Equipment Rental Concession. (Administration requests to

continue this item to the next regular meeting of the Council)

On motion of Vice President Long, duly seconded, it was voted unanimously to continue this matter to the next regular meeting of the Council to be held on April 16, 2012.

9. Continued from Regular Meeting, March 19, 2012

Continued from Regular Meeting, March 5, 2012

Resolution of the Council, re: Second Beach Equipment Rental Concession.

(Administration requests to continue this item to the next regular meeting of the Council)

On motion of Vice President Long, duly seconded, it was voted unanimously to continue this matter to the next regular meeting of the Council to be held on April 16, 2012.

10. Communication of Council President Solomon, City of Providence, with enclosure, re: Requesting support of H-7450 “An Act Relating to Towns and Cities – State Aid”, Municipal services pro rata reimbursement.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

11. Resolutions from Rhode Island Cities and Towns, re: Requesting support for H7250 & S2532 mandating expired teacher contracts must continue at the existing terms and conditions, Requesting support in opposition to H7617, H7618, H7619, H7620 “Acts Relating to Labor and Labor Relations, Requesting support for increasing number of voters per voting precinct, and Requesting support for S2158, H7272 and H7863 moving the teacher layoff notice deadline from March 1st to June 1st and Requesting support in opposition to Governor Chafee’s proposed 2% increase in the meals and beverage tax. (See Attached list)

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said resolutions.

12. Applications four (4) from the following named persons, firms or corporations for Special Event Permits. (See Attached List)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said Special Event Permits.

13. Applications received from the following named persons, firms and corporations for RENEWAL of Holiday Sales Licenses for the 2012-2013 licensing year. (See Attached List)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewals.

LICENSE & PERMITS

14. Application of Youssef El Mabtoul dba Town Mart, 390 West Main Road, for a Holiday Sales License for the 2012-2013 licensing year. (NEW)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license.

15. Application of GoWireless, Inc. #0700, 883 West Main Road, for a Holiday Sales License for the 2012-2013 licensing year. (NEW)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license.

PUBLIC HEARINGS

16. Public Hearing (Advertised)

Public Hearing Remains Open

An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152, The Zoning Code, Article 12 Signs, Sections 1202, 1203, 1208, 1209, 1210, 1211, 1212 and 1213. (Planning Board recommendation attached)

Public Hearing Remains Open

There being no person present desiring to be heard, public hearing was declared closed.

On motion of Vice President Long, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.

OTHER COMMUNICATIONS

17. Representative John G. Edwards, IV, re: Requesting a resolution in support of House Bill H-7036, which would prevent a toll from being charged for the use of the Sakonnet River Bridge.

On motion of Vice President Long, duly seconded, it was voted unanimously to allow discussion of 2012-H-7036 Relating to Highways-Construction and Maintenance of State Roads, which would prevent a toll from being charged for the use of the Sakonnet River Bridge.

Representative John G. Edwards, IV addressed the Council requesting a resolution in support of House Bill H-7036. Mr. Edwards noted that tolls on the Sakonnet River Bridge would eliminate casual traffic to beaches and restaurants on Aquidneck Island.

Councillor Cambra noted his agreement with Representative Edwards.

Councillor Viveiros noted his agreement with Representative Edwards, explaining that the Sakonnet River Bridge is not the place for a toll.

Vice President Long agreed with Representative Edwards noting support for the legislation.

Councillor Semonelli commended Representative Edwards for submitting House Bill H-7036.

On motion of Vice President Long, duly seconded, it was voted unanimously to direct the Town Clerk to prepare a resolution in support of H-7036 to be placed on the next Regular Meeting agenda.

18. Communication of Tina Dolen, Executive Director, Aquidneck Island Planning Commission, re: Update concerning AIPC initiatives and regional projects.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

Tina Dolen, Executive Director, AIPC presented and reviewed a handout concerning the Aquidneck Island Planning Commission, which is on file in the office of the Town Clerk.

19. Continued from Regular Meeting, March 19, 2012

Communication of Lisa Wagenbach, Volunteer/Activist, for Surfrider Foundation Rhode Island Chapter, Narragansett, re: Request Middletown to Ban single use plastic bags.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

Lisa Wagenbach, Volunteer/Activist for the Surfrider Foundation, presented the Council with a handout regarding the effects of the use of plastic bags on the environment.

The handout is on file in the office of the Town Clerk.

Vice President Long noted his support for the concept and would like input from area businesses, consumers and the Town Recycling Coordinator Will Cronin.

Ms. Wagenbach noted that some Middletown business have volunteered to stop using plastic bags.

Council President Weber noted the “Ban the Bag” issue is worth investigating.

Councillor VonVillas noted that some businesses ask if consumers prefer paper or plastic bags.

Councillor Cambra suggests the Council instruct the administration to investigate the issue.

Vice Present Long inquired if a motion should be made to bring this issue back to the Council at its next regular meeting to allow the administration to contact local businesses.

Town Administrator Shawn Brown requested the Council to continue this matter to the first regular meeting in May, to allow for contacting local businesses and DEM concerning the matter.

On motion of Vice President Long, duly seconded, it was voted unanimously to carry this issue to the first regular meeting in May, so the administration can bring back information to the Council from the business that would be affected by this issue.

20. Memorandum of Karen DiMattia, Middletown, re: Outside Burning-Fire Protection Regulation 91.12.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

Karen DiMattia, 4 Ward Street reviewed her memorandum, entered here:

Mrs. DiMattia suggested no residential burning within the Town.

Council President Weber inquired if the current ordinance needs to be modified.

Fire Chief Ron Dorie noted that there is always a certain amount of risk with any fire. Mr. Dorie explained that there are not many permits issued yearly.

Town Administrator Shawn Brown explained that the current ordinance was written in 1973 and the administration will update the ordinance for Council review.

COMMUNICATIONS OF TOWN COUNCIL

21. Communication of Councillor Semonelli, re: Proposed Beach Pavilion.

Councillor Semonelli reviewed the communication, entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

Councillor Semonelli moved, duly seconded, that the matter of the construction of a new Beach Pavilion be placed on the November ballot as a referendum question seeking voter approval for a bond in the amount of 4.5 million dollars and direct that bond counsel be directed to prepare the appropriate question to be placed on the ballot.

Councillor President Weber noted the efforts of the Beach Commission and explained that it is a poor economic time; it would be nice to have, but not necessary.

Glenn Gardener, Northeast Collaborative Architects, 97 Harrison

Avenue, Newport, addressed the Council noting support for a new Beach Pavilion. Mr. Gardener explained that the beach is the Town's greatest natural asset and the building needs to be upgraded.

Rian Wilkinson, Chair Beach Commission, 41 Prospect Avenue, reviewed the history of the beach building. Mr. Wilkinson noted his support for a new beach pavilion and requests the question be placed on the November ballot.

David Leys, Vice Chair Beach Commission, 599 Wolcott Avenue, noted his agreement with Mr. Wilkinson. Mr. Leys explained that the current beach building is obsolete.

John Bagwill, 587 Tuckerman Avenue, addressed the Council noting that the Easton's Point Association has voted to support the proposal for a new beach pavilion.

Councillor Viveiros expressed concern that the bond will affect the

tax rate. Mr. Viveiros inquired if the bond could be paid for with beach revenues.

Town Administrator Shawn Brown, responding to Councillor Viveiros, explained that the bond must be placed on the tax rate, due to no guarantee of beach revenues. Mr. Brown explained that revenues from the beach are uncertain and not reliable.

Councillor VonVillas noted that she does not support the bond; however feels strongly that the people need to decide.

Councillor Cambra noted his support for the bond.

The motion on the floor by Councillor Semonelli was voted on at this time:

Councillor Semonelli moved, duly seconded, it was voted unanimously that the matter of the construction of a new Beach Pavilion be placed on the November ballot as a referendum question seeking voter approval for a bond in the amount of 4.5 million dollars and direct that bond counsel be directed to prepare the appropriate question to be placed on the ballot.

22. Communication of Councillor VonVillas, with enclosure, re: Referenda Questions.

Councillor VonVillas reviewed her communication, entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

On motion of Councillor VonVillas, duly seconded, to place the questions within the memorandum on the November ballot.

Council President Weber expressed concern that the first two questions have been addressed with no response from neighboring communities. Mr. Weber noted that the Council had previously voted to rewrite the wind turbine ordinance.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to withdraw motion to place the questions, within the memorandum on the November ballot.

On motion Councillor VonVillas, duly seconded, to place the non-binding question on the ballot of “Shall the Town of Middletown actively pursue collaborative discussions with any or all of the Newport County communities (Newport, Portsmouth, Jamestown, Tiverton, and Little Compton) regarding potential school consolidation and/or regionalization?”

Councillor Semonelli questioned the effect on the next Council, if the above question is passed.

Councillor VonVillas explained that it is time to find out what the people want.

Councillor Viveiros reviewed a prior action of the Council, which would consider school regionalization if the General Assembly amends the current statute.

Council President Weber noted the need to educate the public concerning this matter.

Vice President Long noted that there is plenty of data available concerning regionalization.

Councillor Cambra noted that he sees no savings in regionalization.

Councillor VonVillas expressed concern that the voters should decide on this matter.

The motion of the floor by Councillor VonVillas was voted on at this time:

On motion Councillor VonVillas, duly seconded, it was voted to place the non-binding question on the ballot of “Shall the Town of Middletown actively pursue collaborative discussions with any or all of the Newport County communities (Newport, Portsmouth, Jamestown, Tiverton, and Little Compton) regarding potential school consolidation and/or regionalization?”; Councillor VonVillas voted YES; Council President Weber, Vice President Long, Councillors Cambra, Semonelli and Viveiros voted NO to said motion; MOTION FAILED TO PASS.

On motion Councillor VonVillas, duly seconded, it was voted to place the non-binding question on the ballot of “Shall the Town of Middletown actively pursue discussions related to the sharing of municipal services with other municipalities in Newport County?”;

Councillor VonVillas voted YES; Council President Weber, Vice President Long, Councillors Cambra, Semonelli and Viveiros voted NO to said motion; MOTION FAILED TO PASS.

On motion Councillor VonVillas, duly seconded, it was voted to place the non-binding question on the ballot of “Shall the Town of Middletown allow the development of wind turbines in Middletown locations that conform with siting, noise, and flicker restrictions as established by reasonable ordinance and zoning regulations?”; Councillor VonVillas voted YES; Council President Weber, Vice President Long, Councillors Cambra, Semonelli and Viveiros voted NO to said motion; MOTION FAILED TO PASS.

COMMUNICATIONS OF TOWN ADMINISTRATOR

23. Memorandum of Town Administrator, with enclosure, re: Appointment to Aquidneck Island Partnership.

Town Administrator Shawn Brown reviewed the memorandum,

entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

On motion of Vice President Long, duly seconded, it was voted unanimously to appoint Town Planner Ronald Wolanski to the Aquidneck Island Partnership to represent the Town.

APPOINTMENTS TO BOARDS & COMMITTEES

24. Appointment of one (1) resident for the Park Steward Program, for a two year term.

On motion of Vice President Long, duly seconded, it was voted unanimously to appoint Barbara Anne Gifford as Park Steward for Linden Park, term expiring April 2014.

25. Appointment of one (1) member to the Substance Abuse Prevention Task Force for a term expiring March 2015.

On motion of Vice President Long, duly seconded, it was voted unanimously to reappoint Jennifer A. Barrera to the Substance Abuse Prevention Task Force for a term expiring March 2015.

EXECUTIVE SESSION

26. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-26-5 (a) (2) Collective Bargaining (Town Hall).

Cancelled

On motion of Vice President Long, duly seconded, it was voted unanimously to adjourn said meeting at 8:47 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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